

ITEM NO.1501

COURT NO.11

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17166/2021

(Arising out of impugned final judgment and order dated 07-09-2021 in WPHC No. 76/2020 passed by the High Court Of Karnataka At Bengaluru)

ROHITH THAMMANA GOWDA

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

([HEARD BY: HON. A.M. KHANWILKAR AND HON. C.T. RAVIKUMAR, JJ.]
IA No. 138891/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 157513/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 138894/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 29-07-2022 This matter was called on for pronouncement of judgment today.

For Petitioner(s) Mr. Prabhjit Jauhar, Adv.
Mr. S. S. Jauhar, AOR

For Respondent(s) Mr. Basava Prabhu S. Patil, SR. Adv.
Mr. Irfana Nazeer, Adv.
Mr. Asif Ahmed, Adv.
Ms. Priyanka Vora, Adv.
Mr. Siddhant Buxy, AOR

Hon'ble Mr. Justice C.T. Ravikumar pronounced the judgment of the Bench comprising Hon'ble Mr. Justice A.M. Khanwilkar and his Lordship.

Leave granted.

The appeal is allowed in terms of the signed reportable judgment. The operative part of the judgment reads as under:

"18. In the light of the above discussion, we allow the appeal and the impugned judgment passed by the High Court in Writ Petition (Habeas Corpus) No.76/2020 is set aside. Consequently, the writ petition stands allowed and we issue following

further directions:

(i) Respondent No.3 shall ensure that the child returns back to United States of America forthwith. In that regard respondent No.3 as well as the appellant, whoever is in possession of the American passport of the child in question, shall do the needful in accordance with the law to enable the child's return to his native country viz., USA;

(ii) Respondent No.3 and the appellant shall take necessary action to get the child relieved from the present school and also to get him admitted in any school in USA where the appellant is presently residing, without causing much interruption to his studies;

(iii) Respondent No.3, if she wants to accompany the child and stay back in USA will be at liberty to do so. If she requires arrangement of accommodation for herself and her parents in USA she may intimate her desire in that regard to the appellant. Upon such intimation in writing the appellant shall forthwith do the needful to honour the assurance given to this Court, as noted above, so as to enable respondent No.3 and her parents, as the case may be, to accompany the child and also to stay back in USA provided they fulfil the necessary legal formalities for their travel and stay in USA;

(iv) All necessary legal formalities to enable the child's smooth return to USA shall be taken by respondent No.3 and the appellant expeditiously at any rate within a period of two months so that there will be minimum interruption in pursuing the studies of the child.

19. We also make it clear that if respondent No.3 requires custody or visitation rights of the child, she may do so by invoking the jurisdiction of appropriate forum in USA. Further, the observations made in this judgment shall not come in the way of respondent No.3, as the stated proceedings will have to proceed independently."

Pending application(s), if any, stands disposed of accordingly.

(MONIKA DEY)
COURT MASTER (NSH)

(ASHWANI THAKUR)
ASTT. REGISTRAR-cum-PS

(Signed reportable judgment is placed on the file)